

February 4, 2003

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

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Re: **Ex Parte** Comments. In the Matter of CC Docket No. **01-338**, Review of the Section **251** Unbundling Obligations of Incumbent Local Exchange Carriers; CC Docket No **96-98**, Implementation of the Local Competition Provisions of the Telecommunications Act of **1996**; and CC Docket No **98-147**, Deployment of Wireline Services Offering Advanced Telecommunications Capability.

Dear Secretary Dortch:

As you near a decision regarding the future of unbundled network elements platform (UNE- P), AWS Convergence Technologies, Inc. would like to offer our views on the importance of fostering a regulatory environment that promotes sound competition for all consumers. We are a company that uses broadband as a platform for our products which we sell to educators, students , learning institutions and consumers across the United States. In addition, we utilize broadband to save lives through our distribution of severe weather and civil emergency alerts. We are the largest distributor of such alerts in the world. Accordingly, we have a vested interest in making sure telecommunications services are available, affordable and sustainable -- regardless of whether our customers live in urban, suburban or rural communities. That is why we continue to follow developments in the telecommunications industry and why we continue to share our views with you.

In particular, we would like to see a regulatory environment that encourages and rewards facilities-based competition because it will ultimately ensure a more sustainable and secure telecommunications environment. Consumers, both residential and business, and small and large, must be able to depend on the availability of this critical information infrastructure.

For example, by requiring incumbent telephone companies (and only them!) to lease parts or all of their networks at artificially low rates, federal and state governments have created a competitive environment that indirectly subsidizes a class of competitive phone companies whose business models are not in the public interest. That means some of our potential customers have fewer choices and are at risk of being denied access to advanced technologies. Yet, wireless and cable providers have built competing facilities without the benefit of UNE-P leading us to conclude that the FCC should move towards the elimination of UNE-P requirements as prescribed by Congress.

AWS appreciates that the UNE-P review is complicated, but we encourage the FCC to adopt regulations consistent with the intent of the Telecommunications Act of 1996 to provide real facilities-based competition in all markets and to eliminate barriers to network investments. The FCC must reform the UNE-P rules.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. S. Marshall', is written over a horizontal line.

Robert S. Marshall  
President and CEO

No. of Copies rec'd 0  
List ABCDE

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